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HOUSE BILL 2185 By
Overbey

SENATE BILL 2535
By McNally

AN ACT to amend Tennessee Code Annotated, Title 24, Chapter 7, Part 1, relative to the admissibility of certain evidence in civil actions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 7, Part 1, is amended by adding the following as a new section:

Section 24-7-122.

(a) As used in this section:

(1) "Accident" means an occurrence resulting in injury or death to one (1) or more persons which is not the result of willful action by a party.

(2) "Benevolent gestures" mean actions which convey a sense of compassion or commiseration emanating from humane impulses.

(3) "Family" means the spouse, parent, grandparent, stepmother, stepfather, child, grandchild, brother, sister, half-brother, half-sister, adopted children of the parent, or the spouse's parents of an injured party.

(b) The portion of statements, writings, or benevolent gestures expressing sympathy or a general sense of benevolence relating to the pain, suffering or death of a person involved in an accident and made to that person or to the family of that person shall be inadmissible as evidence of an admission of liability in a civil action. However, a statement of fault which is part of, or in addition to, any such statement, writing or benevolent gesture shall not be inadmissible pursuant to this section.

SECTION 2. This act shall take effect July 1, 2002, the public welfare requiring it.